

AFFIDAVIT OF HEIDI KUNZ

Heidi Kunz states as follows:

1. I am a defendant in the case of United States v. Heidi Kunz, et al., 08 CR 49, now pending in the Northern District of Illinois.
2. I was detained on September 26, 2007, at my residence at 7410 Barry Avenue, Spring Grove, Illinois, where I reside with Mark Kozik.
3. At approximately 7:00 p.m., while I was in the bathroom, I heard pounding on my door.
4. As I opened the door and came out to the porch, I saw that my husband Mark Kozik was handcuffed, and that there were four or more police officers present; at least one officer was wearing a uniform. Prior to this, I had never had any dealings with police.
5. I was told by these police officers to bring his wallet, keys and shoes. I placed my dog in the bathroom and returned with Mark's personal belongings.
6. At this point, I believe, Officers Daly, Martin, and Ostertag entered the premises.
7. Officer Ostertag proceeded to search the house while Detective Martin and Officer Daly in effect stood guard over me. Detective Martin told me that they wanted to talk to me; that I had "a right to remain silent" and that "anything I say can be used against me in court"; they then announced that they were police officers. I was not asked for permission to conduct the search of the house. I was not told that I had a right to an attorney.
8. While Ostertag searched the house, both Martin and Daly kept saying to me "we know you did it" and continued yelling at me.

9. At some point, later, I was asked by Detective Martin for permission to search the garage—I asked if he had a search warrant. Detective Martin told me that they did not, but could get the warrant because it was a mere formality. They then proceeded to search the garage, recovering certain items.

10. At approximately 8:45 p.m., while still at my residence, I was given a Miranda rights form and told to sign it. These rights were not fully explained to me.

11. I was then taken to the Fox Lake Police Station by Officer Daly.

12. At approximately 9:00 p.m., after arriving at the station, I was given Consent to Search form to sign. When I said that the search was already completed, I was told to sign anyway because it was a mere formality.

13. While at the station, Martin and Ostertag continued interrogating me. Detective Martin also told me that if I cooperate, I wouldn't be charged; I would not need an attorney because I will be released.

14. During the interrogation Detective Martin kept telling me that police identified my husband's fingerprints and that I, Heidi Kunz, matched the description of the driver.

15. By 11:25 p.m., I was exhausted and not in shape to argue with the officers. I was given a laptop computer by Detective Martin and told to type out a statement.

CERTIFICATION

Under penalties as provided by law pursuant to Section 1-109 of the Code of Civil Procedure, the undersigned certifies that the statements set forth in this affidavit are true and correct.

HEIDI KUNZ